

REMARKS

Claims 10-24 are pending. Claims 10-16 and 18 have been withdrawn by the Examiner as being drawn to a nonelected invention. Claims 10-14 and 22-24 have been cancelled by Applicant without prejudice. Claim 17, 19-21 and withdrawn claims 15, 16 and 18 are newly amended by Applicant. Support for the amendments can be found throughout the specification and in the claims as originally filed. No new matter has been entered.

Objections

Claims 19, 20 and 21 are objected to for reciting SEQ ID NO:X” in an improper format, i.e., without a colon.

Applicant has amended claims 19, 20 and 21 by inserting a colon.

35 U.S.C. § 112, 2nd Paragraph- Indefiniteness

Claims 17 and 19-24 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Specifically, the office action indicates that claims 19-24 are indefinite because the claims recite the phrase “in sequence” to refer to the fact that the antibodies comprise the SEQ ID NOs in sequential order. The Office Action indicates that replacing the phrase “in sequence” with the phrase “in sequential order” would be remedial. Applicant has amended claims 19-21 accordingly, and cancelled claims 22-24, rendering their rejection moot.

35 U.S.C. § 112, 1st Paragraph - Enablement

Claims 17 and 22-24 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for an antibody that binds NOGO, comprised of SEQ ID NO: 8, 9 and 10 in the heavy chain and SEQ ID NO:11, 12 and 13 in the light chain, does not enable

variants of the CDR sequences that are at least 90% homologous to SEQ ID NO:8, 9, 10 and SEQ ID NO: 11, 12 and 13m in the heavy and light chain, respectively.

While not acquiescing to the assertion in the Office Action that the specification is not enabled for antibodies whose amino acid sequences deviate from the disclosed series of sequences SEQ ID NO:8, 9, and 10, and 11, 12, and 13, by as much as 90%, Applicant has cancelled claims 22-24 solely for the purposes of advancing prosecution, rendering their rejection moot. Claim 17 has been amended so that it no longer depends from these newly canceled claims. In light of these claim amendments, Applicant respectfully requests reconsideration and withdrawal of the instant rejections.

35 U.S.C. § 112, 1st Paragraph – Written Description

Claims 17 and 22-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Applicant respectfully traverses the rejection, but has canceled Claims 22-24 without prejudice, solely in the interest of advancing prosecution, rendering their rejection moot. Claim 17 has been amended so that it no longer depends from these newly canceled claims. In light of these claim amendments, Applicant respectfully requests reconsideration and withdrawal of the instant rejections.

Rejoinder

In the event that product claims 17 and 19-21 are found allowable, Applicant requests rejoinder of the non elected method using the allowed product as recited in claims 15, 16 and 18.

Claims 15, 16 and 18 are drawn to methods of using the novel products of claims 17 and 19-21 for treatment of nerve repair. While Applicant considers that the specification, including its working examples, is fully enabling for the claimed methods directed to treatment of nerve repair, Applicant has attached herein, two post filing date research articles with supplemental data regarding the efficacy of the instantly claimed products in nerve repair: (i) Freund P, Schmidlin E, Wannier T, Bloch J, Mir A, Schwab ME, Rouiller EM. “Nogo-A-specific antibody treatment

enhances sprouting and functional recovery after cervical lesion in adult primates". Nat Med. 2006 Jul;12(7):790-2. Epub 2006 Jul 2. Erratum in: Nat Med. 2006 Oct;12(10):1220, and (ii) Freund P, Schmidlin E, Wannier T, Bloch J, Mir A, Schwab ME, Rouiller EM. "Anti-Nogo-A antibody treatment promotes recovery of manual dexterity after unilateral cervical lesion in adult primates--re-examination and extension of behavioral data". Eur J Neurosci. 2009 Mar;29(5):983-96.

Conclusion

Applicant submits that all claims are allowable as written and respectfully request early favorable action by the Examiner. If the Examiner believes that a telephone conversation with Applicant's attorney/agent would expedite prosecution of this application, the Examiner is cordially invited to call the undersigned attorney/agent of record.

No fee is believed due. However, should any fees be required to ensure consideration of this response, the Commissioner is authorized to charge Deposit Account 04-1105, Reference No. 82922(302934).

Dated: August 12, 2009

Respectfully submitted,

Electronic signature: / Amy DeCloux /
Kathleen Williams
Registration No.: 34,380
Amy DeCloux
Registration No.: 54,849
Customer Number 21874
EDWARDS ANGELL PALMER & DODGE
LLP
P.O. Box 55874
Boston, Massachusetts 02205
(617) 239-0451
Attorneys/Agents For Applicant